

## PENALTY FOR CORRUPTORS IN INDONESIA: ANALYSIS ON WAHBAH ZUHAYLĪ TAFSEER CONCERNING SARIQA AND RISHWAH IN THE QURAN ◌

Aunur Rofiq<sup>1</sup>, Khoirul Anam<sup>2</sup>, M.Y. Zulkifli Mohd Yusoff<sup>3</sup>,  
Saifullah<sup>4</sup>, Mochamad Imamudin<sup>5</sup>, Abdul Kadir<sup>6</sup>

### ABSTRACT

One of Indonesia's biggest problems is the corruption cases that frequently occurred. The Corruption Eradication Commission (KPK) has carried out imprisonment, monetary sanctions, and property confiscation. However, the corruption cases are increasing. The type of this study is library research. This study focused to analyse Wahbah Zuhayli's thoughts in his book, *Tafsir al-Munir fi al-Aqidah wa al-Syari'ah wa al-Manhaj*, especially regarding the death penalty for corruptors and its relevance to the cases in Indonesia. Here Authors analyse sariqa and rishwah terms. The methods used are thematic and content analysis. The results of this study indicate that sariqa and rishwah are parts of corruption. according to Zuhayli, it is a very dangerous offence and has more dangerous repercussions than murder. To prevent

---

(\*) This article was submitted on: 07/11/2023 and accepted for publication on: 02/12/2023.

<sup>1</sup> Faculty of Economics, Universitas Islam Negeri Maulana Malik Ibrahim Malang Indonesia

Email: aunur@uin-malang.ac.id

<sup>2</sup> (Correspondent Author) Faculty of Syari'ah and Law Universitas Islam Negeri Maulana Malik Ibrahim Malang Indonesia.

Email: anam@syariah.uin-malang.ac.id

<sup>3</sup> Department of al-Quran and al-Hadis, Academy of Islamic Studies, University of Malaya.

Email: zulkifly@um.edu.my

<sup>4</sup> Faculty of Syari'ah and Law, Universitas Islam Negeri Maulana Malik Ibrahim Malang Indonesia.

Email: saifullah@syariah.uin-malang.ac.id

<sup>5</sup> Faculty of Science and Technology, Universitas Islam Negeri Maulana Malik Ibrahim Malang Indonesia.

Email: imamudin@ti.uin-malang.ac.id

<sup>6</sup> Faculty of Syari'ah and Law Universitas Islam Negeri Maulana Malik Ibrahim Malang Indonesia.

Email: abdulqadir@uin-malang.ac.id

corruption, Zuhayli generally does not recommend any punishment, including the death penalty, except hand cut - off (*qat'u al-yad*). It means that, as a preventive measure and a warning to the public, Zuhayli prioritizes hand cut - off over the death penalty.

**Keywords:** *Sariqa, Rishwah, Corruptor, Qat'u al-yad, Death penalty*

## 1.0 INTRODUCTION

Corruption criminal acts committed by public officials in Indonesia continue to occur. It seems that it has become the culture of this nation. In 2020, mega-corruption cases emerged in the country. For example, the corruption case of Djoko Chandra involving important people in the Indonesian National Police and the Attorney General's Office of the Republic of Indonesia<sup>7</sup>.

In 2021, the Transparency International, which regularly conducts surveys in 180 countries, released the results that Indonesia achieved a Corruption Perception Index (CPI) of 38/100 and was ranked 96 out of 180 countries<sup>8</sup>. It indicates that Indonesia has not achieved the global average score that is 43. Even so, it actually had one point higher than it had in 2020, which was at 37/100<sup>9</sup>. Throughout 2016-2021, Indonesia Corruption Watch (ICW) recorded 119 cases within State-Owned Enterprises (SOEs) investigated by the law enforcement officials. The state's potential loss reached Rp. 47.9 trillion<sup>10</sup>.

In 2022 (January-May), 6 regional heads have been arrested by the Corruption Eradication Commission (KPK)<sup>11</sup>. According to ICW, in the first semester, there

<sup>7</sup> Danu Kusworo. (2020). "*Teka-Teki Djoko Tjandra Dan Keterlibatan Brigjen Prasetyo Utomo Si Pejabat Bareskrim*", Kompas.com, 2020, <https://nasional.kompas.com/read/2020/07/16/06043771/teka-teki-djoko-tjandra-dan-keterlibatan-brigjen-prasetyo-utomo-si-pejabat>.

<sup>8</sup> Transparency Internasional. (2022). "*Peluncuran Hasil Indeks Persepsi Korupsi 2021, Korupsi, Demokrasi & Hak Asasi Manusia*," P. 18, <https://ti.or.id/indeks-persepsi-korupsi-2021-korupsi-hak-asasi-manusia-dan-demokrasi/>.

<sup>9</sup> Alvin Suyatmiko, Wawan; Akbarani, Izza; Nicola (2021). "*Indeks Persepsi Korupsi 2021: Korupsi, Hak Asasi Manusia Dan Demokrasi*," Transprancy International Indonesia, <https://ti.or.id/indeks-persepsi-korupsi-2021-korupsi-hak-asasi-manusia-dan-demokrasi/>.

<sup>10</sup> Egi Primayogha. (2022). "*Kasus Korupsi Di Lingkungan BUMN: Marak Dan Rawan Pada Sektor Finansial*," <https://antikorupsi.org/id/kasus-korupsi-di-lingkungan-bumn-marak-dan-rawan-pada-sektor-finansial>.

<sup>11</sup> Chyntia Sami Bhayangkara. (2022). "6 Kepala Daerah Yang Ditangkap KPK Sepanjang 2022: Terbaru Wali Kota Ambon Dijemput Paksa!," Suara.com;

were 99 cases, 63 cases have been going on for a long time, and 36 new cases with 61 warrants issued. At the beginning of 2023, the Corruption Perception Index (IPK) placed Indonesia from 38 to a score of 34 or ranked 110th out of 180 countries. Indonesia's ranking is one of the most corrupt country in the world. in Southeast Asia it is far below Singapore, Malaysia, Timor Leste, Vietnam and Thailand.<sup>12</sup>

Also, there are many cases of corruption in the universities, at least 37 cases of alleged corruption handled by law enforcement institutions. State losses reached IDR 218.804 billion. The bribe value is around IDR 1.78 billion. The actors are diverse, namely the academic community, local government employees and the private sector. There are at least 12 (twelve) models including, corruption in the procurement of goods and services; corruption in education funds; corruption in the University's internal budget; corruption of research funds; corruption of student scholarship funds; corruption in the sale of assets belonging to university; bribery in new student admissions; bribery in the selection of internal higher education officials; bribery of test scores; bribery related to accreditation (Departement or Higher Education); corruption of student tuition funds; and student gratuities to lecturers<sup>13</sup>. A case that quite attracted the public's attention was an alleged corruption case involving the Rector of Universitas Negeri Lampung (Unila) who was caught with his team<sup>14</sup>.

The abovementioned facts show that this so-called "religious" nation is still a "nest" of corruptors. There may be an assumption that religious teachings or religious values in this country are less effective for suppressing the rate of corruption. In fact, no religion is tolerant of corruption. It is a crime. Therefore, the perpetrators must be punished severely. For example, as Pope Francis said,

---

<https://www.suara.com/news/2022/05/13/175946/6-kepala-daerah-yang-ditangkap-kpk-sepanjang-2022>.

<sup>12</sup> <https://news.detik.com/berita/d-6894269/firli-bahuri-sudah-107-tersangka-korupsi-ditangkap-kpk-di-tahun-2023>). Accessed in 19th October 2023

<sup>13</sup> Siti Juliantari Rachman and Emerson Yuntho in <https://www.antikorupsi.org/id/pola-pola-korupsi-di-perguruan-tinggi>, (accessed in 17th September 2023)

<sup>14</sup> Irfan Kamil. (2022). "Data Kasus Korupsi Di Indonesia Tahun 2022," [compas.com](https://nasional.kompas.com/read/2022/09/21/01000051/data-kasus-korupsi-di-indonesia-tahun-2022) , <https://nasional.kompas.com/read/2022/09/21/01000051/data-kasus-korupsi-di-indonesia-tahun-2022>.

quoting the Gospel of Luke 17: 2, "Jesus said: It would be better for him if a millstone were tied around his neck and thrown into the sea"<sup>15</sup>.

In the Quran, there are 7 (seven) models of punishment related to crimes: 4 (four) of the 7 (seven) models are found in Surah al-Māidah (5):33 as follows: The four models are 1. Death penalty; 2. Crucifixion; 3. Cutting hands and feet on opposite sides; 4. Expulsion. The fifth model is found in Surah al-Maidāh (5): 38, which is cutting off one's hand if he/she steals. The sixth model can be found in Surah al-Nisā' (4): 15), which concerns the case of life imprisonment inside the house for a wife who is proven to have committed a heinous act. The seventh model is in the form of flogging, which applies for cases of adultery and false accusations against pious women (Surah al-Nūr (24):2,4).

Also Islamic communities such as the Bahtsul Masail commission hearing at the 33rd Nahdlatul Ulama (NU) Congress decided that the most appropriate punishment given by the government for corruptors was *ta'zir* punishment. The toughest punishment for corruptors is the death penalty with conditions that must definitely be met.<sup>16</sup>

This study revealed Wahbah Zuhaylī's thoughts in his book, *Tafsīr al-Munīr fī al-Aqīdah wa al-Syarī'ah wa al-Manhāj*, particularly regarding the death penalty for corruptors and its relevance to the cases in Indonesia.

Revealing the interpretation of the verses on corruption and death penalty based on *riṣwah* and *sariqah* terms is a challenge for the Authors because the Quran does not explain clearly the issue of death penalty as the punishment for corruption and *riṣwah* (bribery).

Zuhaylī was chosen in this article, at least for four reasons: First, He was the most productive scholar producing written works (133 books and 500 papers) on current issues such as politics, law, gender, social Islam, and corruption. Second, he is one of the famous tafseer experts who is very influential in the contemporary Islamic world, especially in Indonesia. Third, he is a fiqh scholar who has a moderate and adaptive view of current issues. Fourth, he has a great

<sup>15</sup> Augustin Vondou. (2015). "Virtue Ethics for the Prevention and Fight against Corruption in Cameroon," in *Boston School of Theology and Ministry*, P. 50; <http://hdl.handle.net/2345/bc-ir,2015,102029>.

<sup>16</sup> Alhafiz Kurniawan. (2020). "Putusan NU Tentang Korupsi, Koruptor, Dan Hukuman Mati," *NU Online*; <https://islam.nu.or.id/syariah/putusan-nu-tentang-korupsi-koruptor-dan-hukuman-mati-IZTSS>.

concern for corruption and its impact. According to him, corruption is an extraordinary crime in Islam, and it is strictly prohibited, considering religion and the law of the state aspects<sup>17</sup>. However, interestingly, he does not recommend the death penalty for corruptors. According to him, the hand-cut-off punishment is better as mentioned in Surah al-Māidah (5): 38.

## 2.0 LITERATURE REVIEW

This study is interesting because there were not many people analyzed the death penalty versus hand cut-off applied to corruptors from the perspective of a Quran Tafseer expert. Yet, normative interpretations of corruption are numerous. Some of them are “Suap Dalam Al-Qur’an Dan Relevansinya Dengan Gratifikasi Di Indonesia (Thematic Interpretation Study)<sup>18</sup>; a more specific discussion of the issue of corruption in the Quran written by Rozin and Alfi with the theme: Corruption in the Perspective of the Quran, Thematic Studies;<sup>19</sup> and a similar article about the Insights of the Quran concerning Corruption Eradication<sup>20</sup>.

From a theoretical perspective, the death penalty is still controversial. According to utilitarians, for example, there is no evidence showing that the benefits outweigh the imposition of the death penalty for corruptors. There is also no concrete evidence that it is associated with the increase in CPI. The sacrifice of human life does not contribute to the increasing CPI. If it is connected to the problem of happiness, then the application of a legal norm cannot be achieved by executing corruptors. Thus, the application of the death penalty in a utilitarian perspective cannot be justified<sup>21</sup>.

---

<sup>17</sup> Wahbah Zuhailī. (2001). *Tafsir Al-Wasīf*, Damaskus: Dār al-Fikr, p. 458

<sup>18</sup> Arif Budiono. (2021). “Suap Dalam Al-Qur’an Dan Relevansinya Dengan Gratifikasi Di Indonesia (Kajian Tafsir Tematik)”. *MIYAH: Jurnal Studi Islam* 17, pp. 121–49.

<sup>19</sup> Moh. Rozin and Ahmad Musonnif Alfi. (2017). “Korupsi Dalam Perspektif Al-Qur’an,” *AL ITQAN: Jurnal Studi Al-Qur’an* 3, no. 2, 55–70; <https://doi.org/10.47454/itqan.v3i2.33>.

<sup>20</sup> Samsul Bahri. (2018). “Wawasan Al Quran Tentang Pemberantasan Korupsi,” *Ar Raniry: International Journal of Islamic Studies* 4, no. 2, pp. 337, <https://doi.org/10.20859/jar.v4i2.144>.

<sup>21</sup> Ahmad Mukhlis Fariduddin, Nicolaus Yudistira, and Dwi Tetono. (2022). “Imposition of the Death Penalty for Corruptors in Indonesia from a Utilitarian Perspective,” *Integritas: Jurnal Antikorupsi* 8, no. 1, pp. 1–12; <https://jurnal.kpk.go.id/index.php/integritas/article/view/903>.

However, from the perspective of Indonesia's human rights, as shown by the results of Fajrin et al's research, the death penalty for corruptors is not contradictory to human rights, particularly if corruption occurs under certain conditions as described in Article 2 paragraph (1) of the Criminal Act of Corruption. The form of the death penalty given to corruptors is also not contradicting human rights in the perspective of Pancasila as the ideology of the Indonesian nation<sup>22</sup>.

It is such an interesting issue that many students agree with the application of the death penalty for corruptors. They don't use the pretext of human rights as a consideration to reject this kind of punishment. Death penalty is a breakthrough as the effort for Indonesia to fight corruption<sup>23</sup>.

However, according to Moesthafa, the imposition of the death penalty given to corruptors in Indonesia is not effective since this kind of punishment has never provided a clear guarantee that corruption cases will eventually stop<sup>24</sup>.

But the results of a survey conducted by the Indonesian Political Indicator Survey Agency regarding public perceptions of the death penalty given to the perpetrators of mega-corruption and drug lords. According to Burhanuddin (the Executive Director of Indonesian Political Indicators), around 84% of people agreed/strongly agreed that the biggest corruptors must be sentenced to death. Around 85.5% of people agreed/strongly agreed that drug lords must be sentenced to death. The level of public disapproval appears to be low at 11.7% for the biggest corruptors and 11.1% for drug lords. Those who disagree with imposing the death penalty for biggest corruptors are 10% and 9.2% for drug

---

<sup>22</sup> Yaris Adhial Fajrin et al. (2020). "(PRO) Death Penalty for Corruptors in Indonesian Human Rights Perspective," *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 6, no. 2, 287–404; <https://journal.unnes.ac.id/sju/index.php/ulj/article/view/40613>.

<sup>23</sup> Toba Sastrawan Manik and Sunarso Sunarso. (2020). "Death Penalty for Corruptors: Between the Human Rights and Challenges of Progress in Indonesian Law" *Fiat Justisia: Jurnal Ilmu Hukum*. 14, no. 3, p. 233–46; <https://doi.org/10.25041/fiatjustisia.v14no3.1773>.

<sup>24</sup> Yoesoef Moesthafa. (2022). "Juridical Review on the Death Penalty for Criminal Acts of Corruption in Human Rights Perspective". *International Journal of Multicultural and Multireligious Understanding* 9, no. 2, p. 205, <https://doi.org/10.18415/ijmmu.v9i2.3384>.

lords. Those who totally disagree are 1.7% (against biggest corruptors) and 1.9% (drug lords)<sup>25</sup>.

### 3.0 RESEARCH METHODOLOGY

This study is a library and normative research using a qualitative analytical method. It focuses on how Zuhaylī interprets the death penalty for the perpetrators of corruption, especially in *sariqa* term in Surah al-Maidāh (5): 38, and *al-rishwah* (bribe) term in *Tafsīr al-Munīr fī al-Aqīdah wa al-Syarī'ah wa al-Manhāj*. Then, Zuhaylī's theory is used to analyze the cases of corruption in Indonesia. The method used is thematic interpretation (*al-maudhū'ī*) and content analysis. The writer takes three steps: First step is identifying all terms related to the focus of the study. The second one is analyzing Zuhaylī's interpretation related to those terms in verses related to the focus of the study. Then, the Authors connect the result of the interpretation with corruption cases occurred in Indonesia. The third step is drawing a conclusion.

### 4.0 FINDINGS AND DISCUSSIONS

#### 4.1 Corrupt Behaviour in Indonesia

Corruption behaviour, as one of the criminal acts, in Indonesia is quite diverse. It involves individuals, companies, officials, businesses, procurement services, or politics. Hence, it is not surprising that there are quite a lot of studies discussing corruption.

The modus operandi of corruption is described in many articles. One of the examples is Law number 31 of 1999, especially articles 2 and 3 concerning eradicating corruption. In this case, corruption relates to: 1. State financial losses; 2. Bribery; 3. Embezzlement 4. Extortion; 5. Cheating; 6. conflict of interest in procurement; 7. Gratification; 8. Obstructing the process of corruption case investigation; 9. Providing false statements or Officials giving false statements; 10. Providing no information about the suspect's bank account; 11. Witnesses or experts who do not provide information, or provide false information.

---

<sup>25</sup> Editor. (2022). "Survei: Mayoritas Warga Setuju Koruptor Kakap Dan Gembong Narkoba Dihukum Mati," *kumparanNEWS*; <https://kumparan.com/kumparannews/survei-mayoritas-warga-setuju-koruptor-kakap-dan-gembong-narkoba-dihukum-mati-1xoJB6NdhSW/full>.

And regarding the punishment for corruption case, the form of the criminal punishment for corruptors is mentioned in Article 2 paragraph 2 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes. According to that article, the threat of criminal corruption is death penalty, as mentioned in Article 2 (number 1) that states: "whoever unlawfully commits an act of enriching himself or another person or corporation that can harm the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 4 years and a maximum of 20 years and a fine of at least Rp. 200 million and a maximum of Rp. 1 billion (number 2); if the criminal act of corruption as referred to in paragraph (1) is committed under certain circumstances, death penalty may be imposed."

The death penalty for corruption cases, which is also explained in Article 10 of the Criminal Code regarding crimes in general, is as follows: "criminals consist of" principal punishment: 1. death penalty; 2. prison; and 3. a fine. This variety of criminal penalties shows that criminal law in Indonesia is "inclusive" in implementing criminal law because it accommodates various alternatives of punishment, including the death penalty.

In this context, KPK has explicitly opened up space for this. Likewise, the government seems serious in tackling corruption. The discussed contents are the formation of Law Number 31 of 1999 and Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, including the death penalty at critical times<sup>26</sup>.

#### ***4.2 The Controversy of Death Penalty***

Basically, the death penalty is implemented for premeditated homicide as stated by article 340 of the Indonesian Criminal Code. Other articles on criminal acts punished with the death penalty include articles 104, 111: 2; 124: 3; 140: 3; 340; 365: 4; and 444. The death penalty is also found in other regulations, namely: a) article 59:2 of Law number 5 of 1997 concerning Psychotropics; b) article 36 of Law number 26 of 2000 concerning a human

---

<sup>26</sup> Dahyul Daipon. (2021). "Hukuman Mati Bagi Koruptor Pada Saat Keadaan Tertentu (Pandemi COVID-19) Perspektif Hukum Nasional Dan Hukum Islam". *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1, p. 137–150; <https://doi.org/10.24090/mnh.v15i1.4579>.



rights court; c) article 2: 2 of Law number 20 of 2001 concerning the amendment to Law number 31 of 1999 concerning corruption eradication; d) article 6 of Law number 15 of 2003 concerning the establishment of government regulation number 1 of 2002 concerning combating criminal acts of terrorism; e) articles 113: 2; 114:2; 118; 2; 119; 2; 121: 2; 144: 2 of Law number 35 of 2009 concerning Narcotics.

However, the question is whether the corruptors should be punished with the death penalty, hand cut-off, imprisonment, or asset forfeiture. It is no wonder that this problem leads to many responses. However, all parties agree that a corruptor must be punished with imprisonment or asset forfeiture since it is an extraordinary crime. Meanwhile, the death penalty leads to controversy, some parties reject this kind of punishment, and some support it.

#### 4.3 *The Fight against the Death Penalty*

The controversy over the death penalty is generally due to its legality as a legal sanction and its ability to control crimes in public. The arguments are related to human rights and religious doctrine, stating that a creature's life and death are not controlled by humans (ruler or judge), even for the law's sake.<sup>27</sup>

[The main objection of the death penalty refusal for corruptors consists of four points, namely:](#)

[First, regarding human rights issues, the death penalty is against the values of human rights to live and blocks the opportunity to make self-improvement.](#)

[Second, the penalty is only sometimes effective in preventing or stopping people from conducting crimes<sup>28</sup>.](#)

Third, nowadays the death penalty is not able to maintain justice among modern society for giving life-death decision to a judge who is not free from mistakes.

---

<sup>27</sup> M. Abdul Kholiq. (2007). "Kontroversi Hukuman Mati Dan Kebijakan Regulasinya Dalam RUU KUHP (Studi Komparatif Menurut Hukum Islam)," *Jurnal Hukum IUS QUIA IUSTUM* 14, no. 2, p. 185–209, <https://doi.org/10.20885/iustum.vol14.iss2.art1>.

<sup>28</sup> Jiangnan Zhu. (2012). "Do Severe Penalties Deter Corruption? A Game-Theoretic Analysis of the Chinese Case," *China Review* 12, no. 2, p. 1–32.

Fourth, the penalty stops the convicted person to return to his/her normal daily life. When someone is punished with the death penalty and people find new proof that he/she is innocent, one day. Then, how can we bring him/her back to life again? It is important to pay attention to the question since it deals with human life.

#### 4.4 *The Defender of the Death Penalty*

The defenders of the death penalty for corruptors have two perspectives:

First, religious institutional perspective. The Indonesian Ulema Council (MUI) issued a fatwa concerning the death penalty: 1. Islam acknowledges the death penalty. It can be carried out using *qiṣās* and *ta'zīr* approaches. 2. In the Fatwa of MUI: 10/Muktamar VII/MUI/14/2005, described that State can implement the death penalty. Muhammadiyah and Nahdlatul Ulama (NU) agree the death penalty for corruptors with some conditions. According to Siraj, drug dealers and corruptors who disrupt a country's economy deserve to be punished with the death penalty. If the country suffers a loss of one trillion rupiahs and goes bankrupts, then the punishment is the death penalty<sup>29</sup>. According to Tarjih of Muhammadiyah, the law enforcement for corruptors is implemented through a maximum *ta'zīr* punishment (the death penalty) to the least punishment (imprisonment) based on their action and corruption impact. Another approach is moral sanction. For example, if the corruptor dies, then it is not worth praying for, while the spiritual approach is associated with Allah's torment on the Day of Resurrection<sup>30</sup>.

Second, social impact. Corruption is an extraordinary crime for bringing a destructive impact on the life of society. Even though they are not directly killed like the victims of terrorism, they will slowly feel the impact. Corruption has a tremendous potential to bring misery and suffering, especially among lower classes of society who have no economic access and only depend to State subsidies<sup>31</sup>.

---

<sup>29</sup> S Widowati. (2013). "Fatwa Nu Tentang Hukuman Mati Bagi Koruptor Perspektif Fikih Jinayah," *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia* 2, no. 2, p. 239–60; <https://core.ac.uk/download/pdf/229719231.pdf>.

<sup>30</sup> Syamsul Anwar. (2006). *Fikih Anti Korupsi Perspektif Ulama Muhammadiyah*, 1st ed. (Jakarta: Pusat Studi Agama dan Peradaban (PSAP).

<sup>31</sup> Malthuf Siroj. (2017). "Korupsi Dalam Perspektif Hukum Islam Dan Strategi Pemberantasannya," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 11, no. 2, p. 293–312; <https://doi.org/10.19105/al-lhkam.v11i2.1038>.

The death penalty for corruptors who commit crimes repeatedly and cause great loss to the state is not against the rules of *fiqh jināyah* and human rights. In the perspective of *maqashid syari'ah*, the corruptors violate the protection of religion (*hifzu al-dīn*), intellect (*hifzu al-'aql* including proper education), soul/life (*hifzu al-nafs*), descendant (*hifzu al-nasl*, including getting good health), wealth (*hifzu al-māl* including state wealth), and natural environment (*hifzu al-bī'ah*). Technically, the crime is a part of *ta'zīr* punishment and the judge's full authority<sup>32</sup>.

#### 4.5 Zuhailī and Corruption Punishment

In the Quran, the implementation of the death penalty for corruptors is not strictly regulated, especially in the verses containing terms such as *rishwah*, *ghulūl*, *ghasab*, *hirābah*, *ikhtilāṣ*, *aklu suht*, and *khiyānah* which lead to corruption. For instance, in the verse on *sariqa*, the punishment is cutting off the hands. What about the person who did mega-corruption, should he be punished with a hand cut-off, the death penalty, or other punishments? It goes the same with the term *rishwah*. It is not stated in the Quran and but it is found in the hadith<sup>33</sup>. However, it only deals with moral and spiritual punishment, not legal due to its major social and economic impacts.

##### A. Sariqa

The Quran mentions the term derived from (س-ر-ق) nine times in seven verses of four surahs. They exist in the form of an actor (*fā'il*), *muḍari'* (now), and *māḍi* (past). All of these terms refer to the meaning of stealing. The term of *السارق* و *السارقة* in al-Maidāh [5]: 38 refers to male and female thieves. Surah Yusuf (12) reveals the term four times, in the verse 70 in the form of *لسارقون*; verse 73 in the form of *سارقين*; verse 77 using *fi'il madli* *سرق* (past tense) and *muḍlari'* *يسرق* (progressive/future, present) pattern; and verse 81, using the same pattern of *يسرق*. They relate to the story of the prophet Yusuf's brothers, who were accused of stealing royal goods.

<sup>32</sup> M Nurul Irfan. (2014). "Gratifikasi Di Mahkamah Konstitusi Dan Wacana Hukuman Mati," *MADANIA* XVIII, no. 2, p. 131–46; <https://www.mendeley.com/viewer/?fileId=16e93ae2-2533-df85-2c9b-aca94c2c10e5&documentId=5200fe94-3a57-3ed3-a407-03794f9efa3b>.

<sup>33</sup> Editor. (2023). *Hadis on Risywah*, Al-Durar al-Sunniyah, accessed January 30, 2023; <http://hdith.com/?s=لعن+رسول+الله+الراشي>.

Surah al-Hijr [15]: 18 mentions once using the pattern of استرق to describe the activities of jinn who wants to steal “news” from the sky. Surah al-Mumtahanah [60]: 12 also uses the term يسرقن to describe the fealty owed by *musyrik* women who want to be muslim. It includes the prohibition of stealing.

N O	SURAH	AYAH	FORM	TOTAL	MEANING AND INDICATOR
1.	al-Maidāh [5]	38	السارق و السارقة	2	Male or female thieves
2.	Yusuf [12],	70	لسارقون	1	The forms of the terms related to the story of prophet Yusuf and his brothers
		73	سارقين	1	
		77	يسرق / سرق	1	
		81	سرق	1	
3.	al-Ḥijr [15]:	18	استرق	1	Concerning the protection from evil who wants to steal “news” from “the sky”
4.	al-Mumtaḥanah [60]	12	يسرقن	1	Women who vow fealty to prophet Muhammad not to steal.

Diagram 1: the verses of Sariqa in Quran

In the context of this term, we only analyze the term (وَالسَّارِقُ وَالسَّارِقَةُ) in Surah al-Mā'idah [5]: (38-39), because it is directly related to legal punishment for the wrongdoer:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَتْ نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

“As for male and female thieves, cut off their hands for what they have done—a deterrent from Allah. And Allah is Almighty, All-Wise”. This verse was sent down during the case of Dhimma ibn Ubairiq who stole Qatada armour<sup>34</sup>.

Terminologically, *sariqa* is stealing other people's properties from the owner's custody without his knowledge. In this context, Zuhaylī defines *sariqa* as stealing properties from the owner's custody. He states that there are two types of property storage: 1. Specific storage, for example, inside the house and a special drawer. 2. Public storage. The area is usually guarded by securities<sup>35</sup>. To define *sariqa*, Zuhaylī also cites the perspective of Hanafiyah ulema, stating that *sariqa* is similar to *hirābah* (robbery). It is a serious crime. Therefore, it is called *sariqa kubrā* (big-scale theft),<sup>36</sup> bringing a bigger impact than common theft (*sariqa 'ādiyah* or *sariqa sughrā*). Based on this reason, the punishment for *hirābah* is harsher than that of *sariqa sughrā*.

In the case of personal or public property theft like state or company assets, Zuhaylī considers them as extraordinary crime acts (*sariqa kubrā*) in Islam and are forbidden in the perspective of religion and state law. The action can disturb the society, state economy, and natural resources owned by the society. Hence, the actor must be punished by cutting off his/her hand (*qat'u al-yad*) since the impact is more significant and disastrous than murder<sup>37</sup>.

Why is theft (corruption) more dangerous than murder? According to Zuhaylī, murder has a narrower scale and is only limited between the murderer and the victim. Meanwhile, in a bigger-scale corruption, the victims are the society, including farmers, businessmen/women, companies, and others<sup>38</sup>.

<sup>34</sup> Ali b. Muḥammad Al-Wahidi (2005). *Asbāb Al-Nuzūl*, Dammam: Dār al-Iṣlah.

<sup>35</sup> Wahbah Zuhaylī (2009). *Tafsīr al-Munīr Fī al-Aqīdah Wa al-Syarī'ah Wa al-Manhāj*, Damasckus: Dār al-Fikr, 530

<sup>36</sup> Wahbah Zuhaylī. *Tafsīr al-Munīr* p. 530

<sup>37</sup> Wahbah Zuhaylī (2001), *Tafsīr Al-Waṣīt*,. Damascus: Dār al-Fikr, p. 458

<sup>38</sup> Wahbah Zuhaylī. *Tafsīr Al-Munīr*. p. 530-539

The question is, what if the corruptor repents and behaves well in his life? Here, Zuhaylī disagrees with most of the Fuqahā' who see that repentance cannot remove the hand-cut-off punishment. He prefers Hanabilah's opinion that there is no punishment after repentance. According to Zuhaylī, although theft is included in the category of extraordinary crime and the severe punishment, it should not be arbitrary. The term " غفور " (Allah is Forgiving) at the end of verse 39 above shows that there is wisdom and warning for law enforcers and the community. The term implies that the punishment needs to be stopped if the perpetrator has repented. Behind it, there is wisdom, justice, and mercy. Allah the Almighty is the recipient of sincere repentance. Punishment is not the main goal, and its substance lies in the problems of public welfare, security and peace<sup>39</sup>.

Zuhaylī was also quite careful about the issue of nominal limits in cases of stolen property which resulted in the punishment of cutting off hands (*qat'u al-yad*). According to him, punishment cannot be applied to something unclear (*shubhāt*). Therefore, when he saw the difference between the scholars in determining the amount stolen, whether 3 or 4 or 5 or 10 Dirhams, he preferred the maximum of 10 Dirhams. It is more important than taking the minimum, so there is no hesitation in sentencing punishment for people. Then Zuhaylī gives five criteria for someone who is called a thief: 1. The culprit is mature; 2. Reasonable; 3. Not the owner of the stolen goods; 4. Not the master of the enslaved person; 5. Regarding the relationship between master and slave, in which one of them steals the property of the other<sup>40</sup>.

### B. *Rishwah* (Bribery)

The term *rishwah/rashwah* comes from Arabic: "رَشْوَة", "رَشْوَة", "رَشْوَة" dan "رَشُو / ا", "رَشْوَة", "رَشْوَة", which mean bribe, corruption, gratuity, and receiving<sup>41</sup>. Ibn Manzhur's quote, taken from Abu al-Abbas, the meaning of *rishwah* comes from the sentence "رَشَا الْفَرْحُ" that is when the bird raises its head to its parent to get a mouthful of food. Almost the same as Ibn Atsir's opinion, according to him,

<sup>39</sup> Wahbah Zuhaylī. *Tafsir Al-Munir*. p. 530-539

<sup>40</sup> Wahbah Zuhaylī. (1985). *Al-Fiqh al-Islāmī Wa 'adillatuhu* Vol. 6, Damascus: Dār al-Fikr, p.101-123

<sup>41</sup> J. Milton Cowan. (1976). *A Dictionary of Modern Written Arabic*, New York: Spoken Language Services, Inc, p. 342

*rashwah* and *rushwah* are related to persuasion. The root also comes from the word *al-risha'*, which means something that can reach water<sup>42</sup>.

In the context of "رِشَا الْفَرْخُ" above, *rashwah* or *rushwah* relates to the hope of the weak to the stronger, bigger, and more powerful. As for the context ( الرشاء ), *rashwah*, *rishwah* or *rushwah* is a means or tool to get something. In the Quran, the term *rishwah* (gratuity) does not exist, but several verses are always associated with *rishwah*, i.e., Surah al-Baqarah (2): 188; Surah al-Maidāh (5): 42, 62, 63; Surah al-Naml (27): 35, 36.

For example, Surah al-Baqarah (2) 188 says: “Do not eat up your property among yourselves for vanities”. This verse gives a general explanation about "eating" wealth illegally with broad meaning and connotation, including the practice of *rishwah*.

As in Surat al-Maidāh (5): 42, 62, 63, the term used to describe the behaviour of the Medina Jews, namely "السحت" (eating bribes). In this surah, it is mentioned more precisely, one of them is verse 42:

سَمَّاعُونَ لِلْكَذِبِ أَكَّالُونَ لِلسُّحْتِ...

“(They) like to listen to fake news, eat forbidden treasures (like *rishwah*)...” The *mufassirin* interpreted the term "السحت" as gratuity (الرَّشْوَةُ)<sup>43</sup>.

NO	SURAH	VERSE	FORM	QUANTITY	MEANING AND INDICATORS
1	al-Baqarah (2)	188	(و لا تأكلوا أموالكم بالباطل وتدلوا بها إلى الحكام)	1 verse	Do not eat or take other people's property illegally

<sup>42</sup> Ibn Manzur. (1708). *Lisān al-'Arab*, Vol. 5, Cairo: Dār al-Ma'arif, p. 1653

<sup>43</sup> Abu Jakfar Muhammad Ibnu Jarir al-Tabari. *Jamī' al-Bayān 'an Ta'wīl Ay al-Qur'ān*, Vol. 10, (ed) Maḥmūd Muḥammad Syākir and Aḥmad Muḥammad Syākir. (2001). Cairo: Maktabah Ibnu Taymiyah, p. 318-324

	Al-Nisa' (4)	29	(و لا تأكلوا أموالكم بالباطل إلا أن تكون نجارة عن تراض منكم)	1 verse	Prohibition of eating/taking other people's property, except by buying and selling voluntarily
2	al-Maidāh (5):	42	السُّحْتِ	1	Gratuities, bribes, hush money (bribery)
		62	السُّحْتِ	1	The relationship between sin, enmity, and hush money
		63	السُّحْتِ	1	Bribery is a part of the attitude of the rabbis and scholars of Jewish
3	al-Naml (27)	35	هَدِيَّةٍ	1	Present (relative)
4		36	هَدِيَّةٍ	1	Present

Diagram 2: Rishwah in the Quran

According to Zuhayli "suh" in surah al-Maidāh (5): 42 above is *rishwah*. This verse shows the intensity of the Medina Jews listening to hoax news (false) and taking illicit money such as bribes in law, wages given to sorcerers, "wedding gold", prostitution, and others. According to him, all forms of bribery are



forbidden both for those who bribe (*al-rashi*) and those who are bribed (*al-murtasyi*). One of the arguments used is the hadith from Tsauban states:

لَعَنَ اللَّهُ الرَّاشِيَّ وَالْمُرْتَشِيَّ، وَالرَّائِثَ...

"Allah cursed those who give bribes (*rishwah*) or take it and who act as an intermediary between them".

There are 11 hadith narrations related to reproach for the practice of bribery (*rashwah*). Five hadiths mention the curse of Allah SWT, and six other narrations mention the curse of the Prophet Muhammad PBUH on bribe givers and recipients, including legal issues; one of which is narrated by Abu Daud<sup>44</sup>:

لَعَنَ رَسُولُ اللَّهِ الرَّاشِيَّ وَالْمُرْتَشِيَّ.

"Rasulullah PBUH cursed the briber and the recipient of the bribe."

According to Zuhaylī, even though a judge is right in deciding something, he becomes *fasiq* when he accepts bribes (*rishwah*). Likewise, he is concerned and also becomes *fasiq* because he accepts bribes and makes wrong legal decisions. Sometimes *rishwah* takes place outside the court, for example a person bribes a judge to protect his rights from an unfair trial. *Rishwah* is considered illicit (*haram*) for those who take it but not for those who give it. Zuhaylī quoted al-Hasan's opinion: "It does not matter if someone pays a portion of his wealth that can protect his honour/rights". Ibn Masud did it when he was in Ethiopia. He "bribed" two dinars, and then he said: "The sin is for the recipient of the bribe, not for the briber"<sup>45</sup>.

In the context of political and legal "gifts", Zuhaylī considers it as Non-Halal activity. The case of the "gift" offered by Queen Balqis to Prophet Sulaiman (Surah al-Naml (27: 35-37) is a non-halal bribery or gratuity (*rishwah*), and Prophet Sulayman strongly rejected it<sup>46</sup>.

Zuhaylī's interpretation of steal (*sariqa*) and gratuity (*rishwah*) can be classified into three approaches as follows:

<sup>44</sup> Abu Daud Sulaiman. (1999). *Sunan Abu Daud.Pdf*, 1st edition, number: 3580, Riyadl: Dār al-Salām.

<sup>45</sup> Wahbah Zuhaylī. (2009). *Tafsīr al-Munīr*, p. 550

<sup>46</sup> Wahbah Zuhaylī. (2009). *Tafsīr al-Munīr*, p. 550

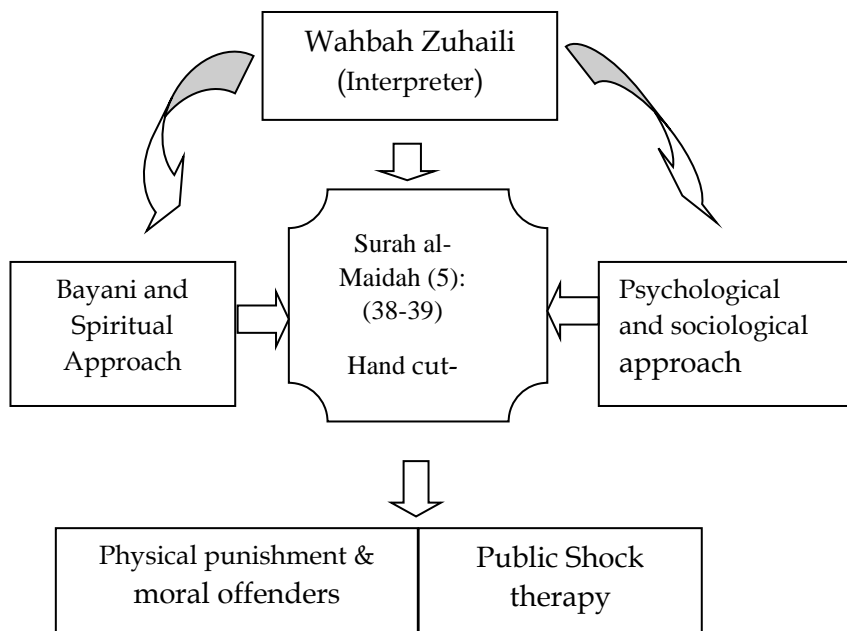


Diagram 3: Visualization of the Wahbah Zuhayli Approach

First, it is the Bayani approach. In *Tafsir al-Munir*, Zuhayli explicitly does not mention the issue of the death penalty for thieves or corruptors and bribe takers. Here, he perceives himself as a textualist with his bayani approach. In the theft context, he argues that the punishment for theft or corruption is simply hand cut-off punishment as written in the Quran. But on the other hand, he said that theft is more dangerous than murder<sup>47</sup>.

However, Zuhayli's view above still raises the question, if theft is more dangerous than murder, then why must murder be punished by death (*qiṣās*) while thieves or corruptors only get the punishment of hand cut-off? Also, when he discusses the term "*suht*" (illicit treasure) in surah al-Maidah [5]: 42, he mentions the hadith, which contains anathema threats to the offender of bribe takers. Here, Zuhayli prioritizes moral sanctions and does not propose real punishments for them, such as hand cut-off, imprisonment or even the death penalty for bribe

<sup>47</sup> Wahbah Zuhayli. (2009). *Tafsir al-Munir*, p. 550 533

takers who are actually parts of corruption. Aren't these cases happening in the public space which can damage the economic order in the society?

The second one is the spiritual approach; it is the awareness of the relationship between the person and God. This is still related to the Bayani approach above. Repentance after stealing, mentioned in al-Maidāh (5): (39), is interpreted as a forgiveness from Allah, meaning that the punishment of hand cut-off is not implemented. Allah has accepted an offender's repentance; Allah is the Most Gracious, more Merciful, but why do people still want to punish him/her? The punishment is not the real goal, yet it is about the benefit, safety and serenity. Allah never does something if there is no wisdom, justice and mercy in it<sup>48</sup>.

The third one is psychological and sociological approaches. Zuhaylī does not recommend the death penalty for thieves, even those who are involved in mega-corruption. It seems that he wants to give shock therapy to the offenders and the community. Psychologically, hand cut-off may be more effective than the death penalty in deterring people because the person whose hand is cut off will live with a "non-functioning" hand. So, he will be embarrassed. Furthermore, other people who saw it would learn a valuable lesson. By applying the death penalty, the society will quickly forget that the offenders were sentenced to death. However, according to Zuhaylī, punishment is not the main goal. The most important thing is the security and peace of society<sup>49</sup>. This is relevant to Zhu's research results above that the death penalty, including in China, is not effective in eradicating corruption<sup>50</sup>.

### C. Zuhaylī's Interpretation and the Indonesian Context

In the Indonesian context, the four approaches of Zuhaylī above, especially in the case of punishment for corruption, are quite important to note. His view is not to put the offenders of corruption to death, and only implement hand cut-off as in surah al-Maidāh (5): 38. It is a symbol of seriousness in enforcing justice and balanced law, both for the offenders and for society. In fact, Zuhaylī still opens the opportunity to escape from a punishment if the offenders are serious

---

<sup>48</sup> Wahbah Zuhaylī. (2009). *Tafsīr al-Munīr*, p. 534

<sup>49</sup> Wahbah Zuhaylī. (2009). *Tafsīr al-Munīr*, p. 534

<sup>50</sup> Zhu, Jiangnan. (2012). "Do Severe Penalties, p. 1–32

about their repentance. Of course, this spirit needs to be maintained, but the context also needs to be considered.

It happens because the older and current context is different. For example, when this verse was revealed, there was no corruption in the bureaucracy, banking, and others that caused states' massive losses such as right now. For this reason, suggestions for severe punishment other than hand cut-off, such as forfeiture and even the death penalty, need to be considered.

If we look closely, the death penalty mentioned in Article 2 paragraph 2 of Law Number 20 of 2001, Articles 2 and 3 of 1999, and Article 10 of the Criminal Code are still valid. This means that nationally, the death penalty provisions can still be applied to all criminal cases, including corruption. Of course, it depends on how far corruption has occurred, and how the judge views the problem.

Based on the corruption articles above, Zuhayli here seems to lack exploration in interpreting the term of *al-sāriq wa al-sāriqah* in al-Maidāh (5): 38. It will be clear if we classify them into two cases: 1. The cases of common theft (this does not need to be discussed) which always occur in society; 2. Other cases related to the corruption case (*sariqa kubra*). These cases are large-scale and dangerous because they are related to policies or decisions that are detrimental to the state. It is not stated in the Quran; even in the classical Islamic Law (fiqh) books. But He didn't recommend the death pinalty punishment for it.

Even so, his interpretation of cutting off the hands of the thieves, including corruptors, has accommodated the view of universal human rights that reject the death penalty, and the view that the death penalty is less effective in creating a deterrent effect.

## 5.0 CONCLUSION

From the aforementioned points, corruption in Indonesia can be classified into: 1. Against the law; 2. Enrich oneself, other people, or corporations; 3. Harm the country's finances or the country's economy.

From the previous explanation, we can conclude: 1. That according to Zuhayli, corruption is a serious crime in the Quran. The punishment is implemented

through hand cut-off. However, it must be clear and transparent in litigation. The term *rishwah* does not exist in the Quran. Nevertheless, Zuhaylī interprets the term *suht* in Surat al-Maidāh [5]: 42 as *risywah* (bribery or gratuity), and he does not mention the type of punishment for the perpetrators of gratuity. Therefore, it is clear that the punishment that applies to corruptors is hand cut-off, not the death penalty, including in the mega-corruption case occurred in Indonesia. He also did not propose alternative punishments such as forfeiture or imprisonment for them; 2. We can also understand that Zuhaylī uses bayani, spiritual, psychological and sociological approach in the context of *rishwah* and corruption penalties, Hence, it is reasonable that law enforcement against *rishwah* perpetrators is not really firm and tends to impose moral sanctions. This opinion is different from the view of the corruption criminal law in Indonesia which turn *rishwah* in the corruption area; 3. However, according to Zuhaylī, the hand cut-off punishment can still be considered as a deterrent and has a learning effect for Indonesian citizens; 4. So it can be suggested that Zuhaili's thoughts should be taken into consideration as an alternative way to eradicate corruption in Islamic countries such as Indonesia, Malaysia, etc.

## REFERENCES:

- Abu Jakfar Muhammad Ibnu Jarī al-Ṭabari. (2001). *Tafsir Jamī' al-Bayān 'an Ta'wīl Ay al-Qur'ān, Vol 10*. Edited by Maḥmūd Muḥammad dan Ahmad Muhammad Syākīr. Cairo: Maktabah Ibnu Taymiyah
- Al-Wāhidi, Ali b. Muḥammed. (2005). "*Asbāb al-Nuzū.*" Dammam: Dār al-Iṣlah
- Anwar, Syamsul. (2006). *Fikih Anti Korupsi Perspektif Ulama Muhammadiyah*. 1st ed. Jakarta: Pusat Studi Agama dan Peradaban (PSAP)
- Bahri, Samsul. (2018). "Wawasan al Quran Tentang Pemberantasan Korupsi." *Ar Raniry: International Journal of Islamic Studies* 4, no. 2, 337. <https://doi.org/10.20859/jar.v4i2.144>.
- Bhayangkara, Chyntia Sami "6 Kepala Daerah Yang Ditangkap KPK Sepanjang 2022: Terbaru Wali Kota Ambon Dijemput Paksa!" *Suara.com*, 2022. <https://www.suara.com/news/2022/05/13/175946/6-kepala-daerah-yang-ditangkap-kpk-sepanjang-2022>.
- Budiono, Arif (2021). "Suap Dalam Al-Qur'an Dan Relevansinya Dengan Gratifikasi Di Indonesia (Kajian Tafsir Tematik)." *MIYAH: Jurnal Studi Islam* 17, 121–49.

- Cowan, J. Milton (1976). "A Dictionary of Modern Written Arabic." New York: Spoken Language Services, Inc, 342
- Daipon, Dahyul (2021). "Hukuman Mati Bagi Koruptor Pada Saat Keadaan Tertentu (Pandemi COVID-19) Perspektif Hukum Nasional Dan Hukum Islam." *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1, 137–50. <https://doi.org/10.24090/mnh.v15i1.4579>.
- Kusworo, Danu. (2020). "Tekateki Djoko Tjandra Dan Keterlibatan Brigjen Prasetyo Utomo Si Pejabat Bareskrim Artikel Ini Telah Tayang Di Kompas.Com Dengan Danu Kusworo." *Kompas.com*, 2020. <https://nasional.kompas.com/read/2020/07/16/06043771/teka-teki-djoko-tjandra-dan-keterlibatan-brigjen-prasetyo-utomo-si-pejabat>.
- Editor. "Hadis on Risywah." *Al-Durar al-Sunniah*. Accessed January 30, 2023. <http://hdith.com/?s=لعن+رسول+الله+الراشى>.
- Editor, Tim. "Survei: Mayoritas Warga Setuju Koruptor Kakap Dan Gembong Narkoba Dihukum Mati." *kumparanNEWS*, 2022. <https://kumparan.com/kumparannews/survei-mayoritas-warga-setuju-koruptor-kakap-dan-gembong-narkoba-dihukum-mati-1xoJB6NdhSW/full>.
- Fajrin, Yaris Adhial, Arista Putri Purnamasari, Ryvina Izza Rosyida, and Dwi Faizah Maulidiyah. (2020). "(PRO) Death Penalty for Corruptors in Indonesian Human Rights Perspective." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 6, no. 2, 287–404. <https://journal.unnes.ac.id/sju/index.php/ulj/article/view/40613>.
- Fariduddin, Ahmad Mukhlis Nicolaus Yudistira, and Dwi Tetono. (2022). "Imposition of the Death Penalty for Corruptors in Indonesia from a Utilitarian Perspective." *Integritas: Jurnal Antikorupsi* 8, no. 1, 1–12. <https://jurnal.kpk.go.id/index.php/integritas/article/view/903>.
- Irfan, M Nurul. (2014). "Gratifikasi Di Mahkamah Konstitusi Dan Wacana Hukuman Mati." *MADANIA* XVIII, no. 2, 131–46. <https://www.mendeley.com/viewer/?fileId=16e93ae2-2533-df85-2c9b-aca94c2c10e5&documentId=5200fe94-3a57-3ed3-a407-03794f9efa3b>.
- Kamil, Irfan "Data Kasus Korupsi Di Indonesia Tahun 2022." *compas.com*, 2022. <https://nasional.kompas.com/read/2022/09/21/01000051/data-kasus-korupsi-di-indonesia-tahun-2022>.
- Kholiq, M. Abdul (2007). "Kontroversi Hukuman Mati Dan Kebijakan Regulasinya Dalam RUU KUHP (Studi Komparatif Menurut Hukum Islam)." *Jurnal Hukum IUS QUIA IUSTUM* 14, no. 2, 185–209. <https://doi.org/10.20885/iustum.vol14.iss2.art1>.

- Kurniawan, Alhafiz (2020). "Putusan NU Tentang Korupsi, Koruptor, Dan Hukuman Mati." NU Online, <https://islam.nu.or.id/syariah/putusan-nu-tentang-korupsi-koruptor-dan-hukuman-mati-lZTSS>.
- Manik, Toba Sastrawan, and Sunarso Sunarso. (2020), "Death Penalty for Corruptors: Between the Human Rights and Challenges of Progress in Indonesian Law." *Fiat Justisia: Jurnal Ilmu Hukum* 14, no. 3, 233–46. <https://doi.org/10.25041/fiatjustisia.v14no3.1773>.
- Manzur, Ibn. (1708). "Lisān al-‘Arab." Vol. 5. Cairo: Dār Al-Ma’arif, 1653
- Moesthafa, Yoesoef. (2022). "Juridical Review on the Death Penalty for Criminal Acts of Corruption in Human Rights Perspective." *International Journal of Multicultural and Multireligious Understanding* 9, no. 2, 205. <https://doi.org/10.18415/ijmmu.v9i2.3384>.
- Rozin, Moh. and Alfi, Ahmad Musonnif (2017). "Korupsi Dalam Perspektif Al-Qur'an." *AL ITQAN: Jurnal Studi Al-Qur'an* 3, no. 2, 55–70. <https://doi.org/10.47454/itqan.v3i2.33>.
- Primayogha, Egi. (2022). "Kasus Korupsi Di Lingkungan BUMN: Marak Dan Rawan Pada Sektor Finansial." *ICW*, 2022. <https://antikorupsi.org/id/kasus-korupsi-di-lingkungan-bumn-marak-dan-rawan-pada-sektor-finansial>.
- Siroj, Małtuf. (2017). "Korupsi Dalam Perspektif Hukum Islam Dan Strategi Pemberantasannya." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 11, no. 2, 293–312. <https://doi.org/10.19105/al-lhkam.v11i2.1038>.
- Sulaiman, Abu Daud. (1999). *Sunan Abu Daud.Pdf*. 1st ed. Number: 3580, Riyadl: Dār al-Salam
- Suyatmiko, Wawan; Akbarani, Izza; Nicola, Alvin. "Indeks Persepsi Korupsi 2021: Korupsi, Hak Asasi Manusia Dan Demokrasi." *Transprancy International Indonesia, 2021*. <https://ti.or.id/indeks-persepsi-korupsi-2021-korupsi-hak-asasi-manusia-dan-demokrasi/>.
- Transparency Internasional. "Peluncuran Hasil Indeks Persepsi Korupsi 2021 Korupsi, Demokrasi & Hak Asasi Manusia," 2022, 18. <https://ti.or.id/indeks-persepsi-korupsi-2021-korupsi-hak-asasi-manusia-dan-demokrasi/>.
- Vondou, Augustin. (2015). "Virtue Ethics for the Prevention and Fight against Corruption in Cameroon." In *Boston School of Theology and Ministry*, 50, <http://hdl.handle.net/2345/bc-ir,2015,102029>.
- Widowati, S. (2013). "Fatwa Nu Tentang Hukuman Mati Bagi Koruptor Perspektif Fikih Jinayah." *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia* 2, no. 2, 239–60. <https://core.ac.uk/download/pdf/229719231.pdf>.

- Zhu, Jiangnan (2012). "Do Severe Penalties Deter Corruption? A Game-Theoretic Analysis of the Chinese Case." *China Review* 12, no. 2, 1–32.
- Zuhaylī, Wahbah. (1985). *Al-Fiqh al-Islāmy Wa ‘adillatuhu* Vol. 6." Damascus: *Dār Al-Fikr*, 101-123
- Zuhaylī, Wahbah (2001). *Tafsīr al-Waṣit*, Damaskus: Dār al-Fikr, 458
- Zuhaylī, Wahbah (2009). *Tafsīr Al-Munīr Fi al-Aqīdah Wa al-Syarī’ah Wa al-Manhaj*, *Dār Al-Fikr*. Damascus: Dār al-Fikr, 530